

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL R. MYERS,

Plaintiff,

v.

KIRSTJEN NIELSEN, in her official
capacity as SECRETARY OF
DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

Case No. C18-967-RAJ

ORDER

This matter comes before the Court on *pro se* Plaintiff Michael R. Myers' Motion for Temporary Restraining Order ("TRO"). Dkt. # 4. For the reasons that follow, the Court **DENIES** Plaintiff's motion.

A TRO is an "extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).¹ To obtain a TRO, Plaintiff must show that (1) it is likely to succeed on the merits, (2) it is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in its favor, and (4) an injunction is in the public interest. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009).

¹ The standard for issuing a TRO is identical to the standard for issuing a preliminary injunction. *New Motor Vehicle Bd. of California v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 (1977).

1 Having reviewed the motion, the complaint, and the applicable law, the Court
2 concludes that Plaintiff has not carried its burden to establish these elements. Plaintiff
3 alleges that Defendant is “subjecting Plaintiff to a multi character beam and field of
4 radiation which alters the plaintiff’s physical and mental capabilities.” Dkt. # 4. Plaintiff
5 further alleges that the Federal Government is subjecting him to biological
6 experimentation. Dkt. # 1. Plaintiff’s allegations are conclusory and his Motion provides
7 no basis on which relief could be granted by this Court. Even with the additional
8 deference allowed for *pro se* litigants, Plaintiff has not established a likelihood of success
9 on the merits, irreparable harm in the absence of a TRO, that the balance of equities tips
10 in his favor, or that an injunction is in the public interest. Accordingly, the Court
11 **DENIES** Plaintiff’s Motion for TRO. Dkt. # 4.

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13 DATED this 6th day of July, 2018.

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17 The Honorable Richard A. Jones
18 United States District Judge
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